

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

DIGITAL FILING SYSTEMS, L.L.C., §  
§  
Plaintiff/Garnishor, §  
v. §  
§  
MICHAEL MIMS, §  
§  
§  
Defendant/Garnishee, § CASE NO. 4:05cv465  
§  
and §  
§  
ADITYA INTERNATIONAL and §  
AKHILESH AGARWAL,. §  
§  
§  
Judgment-Debtors. §

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 20, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Summary Judgment be DENIED. On August 29, 2007, the Magistrate Judge entered an order amending the basis for his recommendation that Plaintiff's Motion for Summary Judgment be DENIED.

The Court, having made a *de novo* review of the objections raised by Plaintiff in its motion for reconsideration, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff have no merit. Therefore, the court hereby adopts the

findings and conclusions of the Magistrate Judge (Dkt. 72), as amended by his subsequent order (Dkt. 76), as the findings and conclusions of this court.

It is, therefore, **ORDERED** that Plaintiff's Motion for Summary Judgment is **DENIED**.

**SIGNED this 10th day of September, 2007.**



---

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE